

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS PAUL JULIANO AND JACQUELYN JULAINO

DEFENDANTS AMERICREDIT FINANCIAL SERVICES, INC.  
D/B/A GM FINANCIAL(b) County of Residence of First Listed Plaintiff **Montgomery**  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number) **David S. Dessen, Esq.**  
**DESSEN, MOSES & ROSSITO, 600 Easton Rd., Willow Grove, PA 19090, 215-496-2902, ddessen@dms-lawyer.com**

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. 227

Brief description of cause:

Defendant willfully made calls to Plaintiff's cellular phone without consent.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/17/2018

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

PAUL JULIANO  
1226 Oakwood Drive  
Norristown, PA 19406

and  
JACQUELYN JULIANO  
13501 Meadowcreek Drive  
Orlando, FL 32821,

Plaintiffs

No.

JURY TRIAL DEMANDED

vs.

AMERICREDIT FINANCIAL SERVICES, INC.  
D/B/A GM FINANCIAL  
801 Cherry Street, Suite 3500  
Fort Worth, TX 76102,  
Defendant

**COMPLAINT**

**PARTIES**

1. Plaintiff, Paul Juliano (hereinafter referred to as “Paul”), is an adult individual residing at 1226 Oakwood Drive, Norristown, PA 19406.
2. Plaintiff, Jacquelyn Juliano (hereinafter referred to as “Jacquelyn”), is an adult individual residing at 13501 Meadow Creek Drive, Orlando, FL 32821.
3. Jacquelyn is Paul’s daughter and lived at home with him in Norristown, Pennsylvania until approximately June 2018 when she moved to the above captioned address in Orlando, Florida.
4. Defendant, AmeriCredit Financial Services, Inc. d/b/a GM Financial (hereinafter referred to as “GM Financial”), is a corporation registered to do business in

the Commonwealth of Pennsylvania, with its principle office located at 801 Cherry Street, Suite 3500, Fort Worth, TX 76102.

5. GM Financial is the wholly owned captive finance subsidiary of General Motors and provides retail financing and lease programs for customers of automobile dealers in North America, South America and Asia.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction to decide Paul and Jacquelyn's claims pursuant to 28 U.S.C. § 1331 as a claim arising under the laws of the United States.

7. Pursuant to 28 U.S.C. §1391(b)(1) and (2), venue is proper in this Court since GM Financial resides in the Commonwealth of Pennsylvania and a substantial part of the events at issue took place in the Eastern District of Pennsylvania.

8. A trial by jury is demanded.

### **FACTS**

9. For many years Paul has maintained account number xxxxxxxx6896 with AT&T for six (6) separate cellular telephone numbers, including 610-888-9359 which is the telephone number assigned to the cellular phone used by Jacquelyn (hereinafter referred to as "Jacquelyn's cellular phone").

10. Billing statements for those AT&T cellular telephone numbers, including for Jacquelyn's phone, are delivered to Paul's address in Norristown, Pennsylvania as captioned above and paid by Paul.

11. Jacquelyn has never owned an automobile, financed the purchase of an automobile through GM Financial, leased an automobile from GM Financial or had any other dealing with GM Financial.

12. Neither Paul nor Jacquelyn have ever provided GM Financial with an express invitation or permission to call Jacquelyn's cellular phone.

13. Beginning in approximately November 2017, GM Financial used an automatic telephone dialing system to place calls to Jacquelyn's cellular phone in an attempt to collect a debt owed by someone other than Jacquelyn.

14. The first time Jacquelyn answered a call from GM Financial, the GM Financial representative asked for "Catherine." Jacquelyn told the GM Financial representative that she was not Catherine. The GM Financial representative then asked Jacquelyn to have Catherine call GM Financial and hung up.

15. Jacquelyn answered about two more calls from GM Financial. In each of these calls, the GM Financial representative again asked for Catherine. Jacquelyn again told the GM Financial representative that she was not Catherine and before the GM Financial representative hung up, the representative asked Jacquelyn to have Catherine call GM Financial.

16. During none of the telephone calls did the GM Financial representative give Jacquelyn an opportunity to explain that she was not a customer of GM Financial and that she did not know "Catherine."

17. On or about May 22, 2018, Paul and Jacquelyn sent the letter attached hereto as Exhibit "A" to GM Financial demanding that it stop making calls to Jacquelyn's cellular phone.

18. Since receiving the letter from Paul and Jacquelyn, GM Financial has continued to use its automatic telephone dialing system to call Jacquelyn's cellular phone.

**COUNT I – 47 U.S.C. § 227**  
**VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT**  
**Paul and Jacquelyn Juliano v. GM Financial**

19. Plaintiffs hereby incorporate paragraphs 1 through 18 inclusive as though fully set forth at length.

20. Jacquelyn has never had a business relationship with GM Financial.

21. Jacquelyn has never provided GM Financial with express consent to call her cellular phone.

22. Paul has never provided GM Financial with express consent to call Jacquelyn's cellular phone.

23. GM Financial, through the use of an automatic telephone dialing system, has made numerous unsolicited calls to Jacquelyn's cellular phone in an attempt to collect a debt not owed by Jacquelyn.

24. GM Financial has willfully and knowingly violated § 227(b)(1)(A) of the Telephone Consumer Protection Act, 47 U.S.C. § 227 because it has willfully used an automatic telephone dialing system to call Jacquelyn's cell phone when it knew that it did not have Jacquelyn's or Paul's express consent to call Jacquelyn's cellular phone and it knew that it had no business relationship with Jacquelyn.

**WHEREFORE**, Plaintiffs Paul Juliano and Jacquelyn Juliano demand judgment

in their favor and against Defendant GM Financial in an amount not in excess of  
\$150,000.00 plus costs of suit.

**DESSEN, MOSES & ROSSITTO**

Dated: July 17, 2018

By: 

DAVID S. DESSEN, ESQUIRE

Attorney ID # 17627

Attorney for Plaintiffs

600 Easton Road  
Willow Grove, PA 19090  
(215) 496-2902  
[ddessen@dms-lawyer.com](mailto:ddessen@dms-lawyer.com)

# **EXHIBIT “A”**

Paul Juliano and Jacquelyn Juliano  
1226 Oakwood Ave  
Norristown, Pennsylvania 19401  
610-888-9359

May 22, 2018

Americredit d/b/a GM Financial  
801 Cherry St, Suite 3500  
Fort Worth, Texas 76102  
844-496-6394

**RE: Cease and Desist from Harassment**

Dear Americredit d/b/a GM Financial:

I am writing you this letter to document a period of harassment we received from you starting March 22, 2018. Such conduct has caused us to suffer severe humiliation, embarrassment, emotional distress, and physical discomfort.

Repeatedly calling the cell phone of Paul and Jacquelyn Juliano for Collections after being repeatedly notified that we are NOT clients, customers, loan holders or vehicle owners with loans being held by GM Financial.

We demand that you cease and desist from this activity as soon as possible and, in any event, within 3 days from your receipt of this letter. If action is not taken by you to cease and desist within the given time frame, I will have no choice but to take appropriate legal action against you.

Sincerely,



Paul Juliano



Jacquelyn Juliano



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 1226 Oakwood Drive, Norristown, PA 19406  
 Address of Defendant: 801 Cherry Street, Suite 3500, Fort Worth, TX 76102  
 Place of Accident, Incident or Transaction: 1226 Oakwood Drive, Norristown, PA 19406

**RELATED CASE, IF ANY:**


Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 07/17/2018

  
Attorney-at-Law / Pro Se Plaintiff

17627

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)****A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

(Please specify): 47 U.S.C. 227 (TCPA)

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

PAUL JULIANO and JACQUELYN JULIANO	:	
	:	CIVIL ACTION:
v.	:	
	:	
AMERICREDIT FINANCIAL SERVICES, INC.	:	NO.
D/B/A GM FINANCIAL	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See ' 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus B Cases brought under 28 U.S.C. ' 2241 through ' 2255. ( )
- (b) Social Security B Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration B Cases required to be designated for arbitration under Local Civil Rule 53.2.( )
- (d) Asbestos B Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management B Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management Cases that do not fall into any one of the other tracks. ( X )

July 17, 2018  
**Date**

  
**Attorney-at-law**

Plaintiffs  
**Attorney for**

215-496-2902  
**Telephone**

215-658-0747  
**FAX Number**

ddessen@dms-lawyer.com  
**E-Mail Address**